



A DOCPHOENIX

Office Action Summary

Application No.

09/986,205

Applicant(s)

GHANDI ET AL.

Examiner

Thomas M. Dougherty

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

is a quotation of the second paragraph of 35 U.S.C. 112:
ation shall conclude with one or more claims particularly pointing out and distinctly
e subject matter which the applicant regards as his invention.
s 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being
or failing to particularly point out and distinctly claim the subject matter which
it regards as the invention. The method of claim 1 doesn't provide for any steps
but simply states a general rule. A step, for example, may detail how a transducer is
"reused". To say a transducer is reused does not in itself define any method since no
description of how it is used in the first place is clearly provided. Additionally claims 1
and 2 note "an elastic portion of energy" which description provides for something which
is defined in units (the energy) to be provided with a structural body. This description is
indefinite as the body is described as energy itself. Claim 2 is additionally, quite broad.
The only structure claimed is a transducer pair coupled together. While claim 3 adds a
coupling member, which is regarded as the shim (120) as shown in figure 7A, claim 4
further notes that each transducer "defines a coupler" which is confusing language since
it indicates a true coupling component beyond the shim. In the disclosure, while it can
be argued that perhaps some sort of coupling occurs between the end of the shim and
the wave plate surface (92), no specific additional coupler exists. In claim 5 the
member does not define a second wave surface. For example, in figure 4A there is only
one waved surface (92). Regarding claim 6, if there are two transducer components,
one on each side of a shim, and if the shim is deflected by the wave surface as one is

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moved relative to the other, how can the transducers move out of phase to each other? They move simultaneously. Their output signals may be out of phase depending on their polarities, but it does not appear that they are capable of moving physically out of phase with each other. In claim 9, the plate is noted as being between members, yet the member is only noted as being a waved surface, so the claimed structure in this instance is indefinite. Figure 20A shows two waved surfaces, but as best as can be determined, those waved surfaces (391a, 391b) do not have a transducer located between them.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art features some piezoelectric transducers which are employed to provide power. Note that the claims are so indefinite that no art was applied against them. When they are made definite a consideration of their relationship to the prior art may be made.

Direct inquiry concerning this action to Examiner Dougherty at (703) 308-1628.

tmd
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June 6, 2002

Thomas M. Dougherty
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